7914556/2023/OP-HMF01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Ayush – Dr S.S. Jalal, Professor (retired and expired), Dr. A.R. Govt. Homoeopathic Medical College, Rajahmahendravaram – Imposed Penalty of 100% cut in pension and withholding of entire gratuity permanently in G.O.Rt.No.349 H.M&F.W(VC.I) Dtd: 22-09-2008 – Orders issued to recover the share of the misappropriation amount of Rs. 10,08,309.40/- in G.O.Ms.No.12 H.M&F.W(VC.I) Department Dtd: 27.01.2020 – Cancelled – Regularisation of Suspension Period from 20.09.1994 to 01.07.2002 i.e. 7 years 9 months & 11 days as "Not On Duty" – Orders – Issued.

HEALTH, MEDICAL & FAMILY WELFARE (VC.I) DEPARTMENT

G.O.Ms.No.170 **Dated:19-09-2023**

Read the following:

1. Govt. Memo.No.20823/I.2 (1)/94-28, dated: 27-06-1997
2. G.O.Ms.No. 349, HM&FW (VC.I) Dept, dated: 22-09-2008.
3. Order of the Hon'ble High Court of A.P. in W.P.No. 15066/2017, dated: 09-04-2018.
4. From the Commissioner of Ayush, AP Vijayawada, Lr.No.1499/C2/2017, dated: 10-01-2019.
5. G.O.Ms.No.93 HM&FW(VC.I) Dept, dated: 26-08-2019.
6. From the Commissioner of Ayush, AP, Vijayawada, Lr.No.1499/C2/2017, Dated: 04-12-2019.
7. G.O.Ms.No.12, HM&FW (VC.I) Dept, dated: 27-01-2020.
8. From the Commissioner of Ayush, AP, Vijayawada, e.file with Computer No. 452662.

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Whereas on the allegations of certain irregularities and misappropriation of Government Money in Dr. A.R. Govt. Homoeopathic Medical College, Rajahmahendravaram, disciplinary action was initiated against Dr S.S. Jalal, Professor & Ors. The case was entrusted to the COI and Sri D. Ramayya, IAS (Retd.), Member, COI was appointed as Inquiring authority to enquire into charges framed against them.

2. In the enquiry report, charges have been proved against Dr S.S. Jalal, Professor & Ors who were responsible in appointing (122) persons i.e.46 in College and 76 in Hospital) over and above the actual requirements of the institutions by collecting huge amounts in the name of donations and also for misappropriation of 35% of the public money out of total Grant released towards the salaries of the college and also misappropriation of amount collected towards building fund.

3. Whereas after examination of the COI report, Government vide reference 2nd read above, has imposed the penalty of 100% cut in pension and withholding of entire gratuity permanently on Dr S.S. Jalal, Professor (retired), Dr. A.R. Govt. Homoeopathic Medical College, Rajahmahendravaram.

4. Aggrieved by the orders, individual filed O.A.No.524 of 2011 which was dismissed by the A.P. Administrative Tribunal on 23.01.2017. Aggrieved by the same, individual filed W.P.No. 15066/2017 before Hon'ble High Court, and Hon'ble High Court has ordered:

> "It is not in dispute that the enquiry held against S.Subba Rao and the original petitioner/applicant in this case was a common enquiry. That being so, as the order in O.A.No.4226 of 2009 has admittedly attained finality, the findings of the Tribunal therein that the enquiry was illegal being in contravention of the prescribed procedure would also ensure to the benefit of the original petitioner/applicant. On the strength of such a tainted enquiry, it is not open to the authorities to sustain the punishment visited upon the original petitioner/applicant vide G.O.Ms.No.349 dated 22.09.2008. On this short ground, G.O.Ms.No.349 dated 22.09.2008 issued by the Government is setaside . As the original petitioner/applicant already expired, the retirement benefits due to him

(P.T.O)

would have to be paid to his legal representatives, petitioners 2 to 4, in accordance with the due procedure. This exercise shall be completed by the respondents expeditiously and, in any event, not later than four weeks from the date of receipt of a copy of this order. The writ petition is accordingly allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs".

5. In the reference 5th read above, Government have abated further action against Dr S.S. Jalal, Professor (retired and expired), Dr. A.R. Govt. Homoeopathic Medical College, Rajahmahendravaram in the matter as per Sub-Rule 7(a) of Rule 9 of the AP Revised Pension rules 1980 considering his demise on 05-05-2017.

6. Whereas based on the report of the Commissioner of Ayush, AP, Vijayawada, vide references 4th & 6th read above, the Government have issued orders for recovery of loss caused to the Government for an amount of Rs 10,08,309.40/- (Rupees Ten Lakhs eight thousand three hundred nine and forty paise only) from the legal representatives of Dr S.S. Jalal, Professor (retired and expired), Dr. A.R. Govt. Homoeopathic Medical College, Rajahmahendravaram under per 9(7) of AP Pension Rules, 1980 vide reference 7th read above.

7. In the reference 8th read above, the Commissioner of Ayush, AP, Vijayawada has stated that the legal heirs of Dr S.S. Jalal, Professor, (retired and expired), Dr. A.R. Govt. Homoeopathic Medical College, Rajahmahendravaram have filed C.C.No.2475 of 2018 for non compliance of Hon'ble AP High Court orders dated 09.04.2018 in WP No.15066/2017 where in the punishment order issued was set aside by the Court. Hence, he has furnished a proposal I. to regularize the suspension period for 07 years 09 months & 11 days as EOL; II. for declaration of probation to process of pension papers in respect of Dr S.S. Jalal, Professor, (retired and expired), Dr. A.R. Govt. Homoeopathic Medical College, Rajahmahendravaram.

8. Government after careful examination of entire matter, have decided to implement the Hon'ble High Court orders in W.P.No. 15066/2017, dated.09.04.2018 and accordingly hereby cancel the G.O's issued in the references 2nd and 7th read above and also treat the Suspension Period from 20.09.1994 to 01.07.2002 i.e. 7 years 9 months & 11 days of Dr S.S. Jalal, Professor, (retired and expired), Dr. A.R. Govt. Homoeopathic Medical College, Rajahmahendravaram is treated as "Not On Duty" in terms of FR 54(B).

9. The Commissioner of Ayush, AP Vijayawada shall take necessary action in the matter.

M T KRISHNA BABU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Legal heirs through the Commissioner of Ayush, AP Vijayawada.
The Commissioner of Ayush, AP Vijayawada.

Copy to:
The Secretary to Vigilance Commissioner,
The GP for Services-IV, (Health & Medical), AP High Court, Amaravati
The AG, AP, Vijayawada
The OSD to Hon'ble Min(H,FW&ME)
The PS to Spl CS to Govt., H.M&F.W Department
The PA to Secretary to Govt., H.M&F.W Department
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER